

## REMARKS

By the present invention, claims 1, 3 and 7 have been amended. Claims 1-3, 5-7 and 9-11 remain pending in the present application. Claims 1, 3 and 7 are independent claims.

Applicant respectfully submits that the amendments to the claims are fully supported by the original disclosure, and introduce no new matter therewith. Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and the following remarks.

### ***Rejection under 35 U.S.C. § 103(a) based on Tse-Au and Ebata***

1. Claims 1, 3, 6, 7, 10 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tse-Au (U.S. Patent No. 6,816,456 B1) in view of Ebata (U.S. Patent No. 6,708,209 B1). Applicant respectfully traverses this rejection.

Amended independent claims 1, 3 and 7 recite, respectively, a method for charging a fee for use of network resources, a method for allotting basic network resources supplied by a network resource provider system, and a system for allotting basic network resources. Amended claims 1, 3 and 7 each recite that a fee charged by the network resource provider system corresponds to a premium rate associated with a preferential option and a discount rate associated with a non-preferential option, and the fee is calculated in accordance with the option selected by information provider terminal(s).

In the present invention, the network user (e.g., the information provider) preliminarily purchases basic network services and an optional condition with regard to the basic network

services, the optional condition being at least one of a preferential option at a premium rate and a non-preferential option at a discount rate. The present specification describes the optional condition, for example, from line 9 of page 11 to line 15 of page 12. The network provider charges a fee for the optional condition selected by the network user, and the fee is calculated according to the optional condition selected by the network user. The present specification describes the charged fee, for example, from line 16 of page 12 to line 14 of page 18.

The fee for the use of the network resources can be reasonably charged to the network user by substantially increasing or decreasing the fee according to the optional condition selected by the network user. The network provider judges which optional condition (e.g., the preferential option or non-preferential option) the network user chooses to purchase. Therefore, even if the network (e.g., network resources) are extemporarily used exclusively, the fee for the use of the network resources is calculated according to the fee for use of basic network services and the premium rate and/or discount rate corresponding to the preferential or non-preferential option selected by the network user. This feature of the present invention has a role as a kind of insurance for the network provider.

The Office Action concedes on page 3 that Tse-Au does not disclose that the network resources provider charges a fee for use of the basic network resources, and relies on Ebata for disclosing a charging management unit 309 for performing necessary processing when fee charging occurs for the allocated resource, and a network configuration information updating unit 311 for periodically verifying and updating the contents of the network path information

database 305a and the resource allocation status database 306a (see col. 5, lines 29-44). Ebata nowhere teaches or reasonably suggests that the charging management unit 309 charges a fee from a network user that is calculated in accordance with an option selected by the network user.

Claims 1, 3 and 7 are each allowable over the combination of Tse-Au and Ebata for at least the following reason. Tse-Au and Ebata each fail to teach or reasonably suggest charging a fee from a network user that is calculated in accordance with the optional condition selected by the network user.

Claims 6, 10 and 11 are allowable as being dependent from an allowable claim.

Applicant respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 6, 7, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Tse-Au in view of Ebata.

***Rejection under 35 U.S.C. § 103(a) based on Tse-Au, Ebata and Perlman***

2. Claims 2, 5 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tse-Au in view of Ebata and Perlman (U.S. Patent No. 5,978,381). Applicant respectfully traverses this rejection.

Claims 2, 5 and 9 depend from claims 1, 3 and 7, respectively, and are allowable as being dependent from an allowable claim.

Further, Perlman describes a method for transmitting high bandwidth network content on a low bandwidth communications channel during off peak hours. Perlman fails to supplement

the deficiencies of Tse-Au and Ebata because Perlman fails to teach or reasonably suggest charging a fee from a network user that is calculated in accordance with an option selected by the network user.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2, 5 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Tse-Au in view of Ebata and Perlman.

***Conclusion***

3. All of the stated grounds of rejection have been properly traversed. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

No additional fees are believed to be required. However, if the Office deems that any fees are necessary, authorization is hereby granted to charge any required fees to Deposit Account No. 22-0261.

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Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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